

House of Representatives

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MBJ

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April 1, 1992

RD-364

The Honorable Dan Morales  
Attorney General  
P.O. Box 12528  
Austin, TX 78711-2548

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APR 27 92

Dear General Morales:

Opinion Committee

It has come to my attention that the Metropolitan Transit Authority of Houston/Harris County has agreed to transfer funds to, or use Metro's funds for the benefit of, the City of Houston (and possibly other political subdivisions comprising Metro) for the purposes set forth below.

1. Expenditures to cover City of Houston's operating costs.

- |  |                 |
|--|-----------------|
| o Maintaining city streets (including fixing pot holes upon 72 hours notice) | \$ 67.0 mil     |
| o Traffic management, signalization  | 20.0 mil        |
| o 100 miles of new sidewalks   | 5.0 mil         |
| o 100 miles of hike and bike trails  | 3.5 mil         |
| o Redo transportation infrastructure in entire neighborhood                  | <u>20.0 mil</u> |

TOTAL ANNUAL METRO EXPENDITURES  
FOR CITY OF HOUSTON

\$115.5 mil

Are Metro's proposed expenditures of \$115.5 million per year (or any other sums) as detailed above to cover and pay for the ordinary costs of the City of Houston valid? Assuming that the transfer or use of funds for these purposes is

ACCOMPANIED BY ENCLOSURES -  
FILED SEPARATELY

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authorized under Sections 6(t) and (u) of V.A.T.S. Art. 1118x, please give your opinion in response to the following question: May the funds transferred from the authority be used by the city for any purpose other than those listed in Sections 6(t) and (u), such as increasing the number of city police, paying overtime for city police and salary increases for city police or any other employees of the City of Houston?

If the answer to that question is that the funds may not be used for other purposes, please give your opinion in response to the following additional question: May the city indirectly use the Metro funds for a prohibited purpose by reducing the outlay of city funds for street maintenance or improvement by the amount of the transfer and simultaneously increasing the amount city funds expended for another purpose, such as increasing the number of city police?

2. General Mobility Projects Appropriating More Than 25% of Metro's Annual Sales Taxes.

Is it legal for Metro to appropriate more than 25% of its annual sales tax receipts to General Mobility Projects, which are not in aid of, incidental to or directly related to its mass rapid transit mission in view of Metro's 1988 election wherein the voters authorized 25% of its annual sales tax receipts to be dedicated for these purposes for a 13 year period?

3. Use of Metro's Transit Police Force.

Can Metro legally use its transit police force and funds to investigate motor vehicle accidents in its service area not involving Metro's properties for the purpose of relieving police officers for other police business in any one of the 16 political subdivisions which comprise Metro?

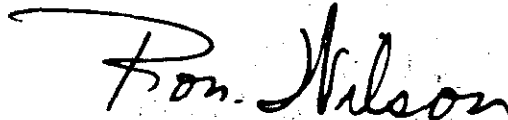
Please find enclosed an amicus brief from Sullivan, King, Henri & Sadberry, P.C., to assist you with regard to the above questions. Your response to this request is appreciated.

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Sincerely,

A handwritten signature in cursive script that reads "Ron Wilson". The signature is written in dark ink and is positioned above the printed name and title.

Ron Wilson, Chairman  
Committee on Liquor Regulation

Enclosure

RW/mef